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June 8, 2011

BY ELECTRONIC FILING

Ms. Jocelyn D. Boyd, Esquire
Chief Clerk and Administrator
Public Service Commission of South Carolina
Synergy Business Park, Saluda Building
101 Executive Center Drive
Columbia, SC 29210

Re: Michelle Shearin, Rahkeem M. Golden, Shamika Robinson and Bernard Jones, Complainants/Petitioners v. Jacobs-Rabons Communications, LLC and Fiber One Consulting, LLC
Consolidated Docket Nos. 2011-55-C, 2011-63-C, 2011-66-C and 2011-67-C

Dear Ms. Boyd:

Enclosed for filing in the above-captioned matter please find Jacobs-Rabons Communications, LLC's ("Jacobs-Rabons") Motion to Dismiss the four above-referenced consolidated dockets. Also enclosed is a Certificate of Service for this Motion to Dismiss the four consolidated dockets.


We respectfully request that this Motion to Dismiss be taken up as part of the Commission's agenda at its earliest opportunity.

By copy of this letter we are serving the Office of Regulatory Staff and other parties of record in these proceedings with the same. If you have any questions, please contact me or Thomas Dougall.

Sincerely,

DOUGALL & COLLINS

s/Adelaide D. Kline


Adelaide D. Kline

cc: Josh Minges, Esquire, Hearing Examiner (via email)
David Butler, Esquire, Hearing Examiner (via email)
Nanette Edwards, Esquire, Chief Counsel, ORS (via email)
Golden and Robinson (via email); Shearin and Jones (USPS)

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NOS. 2011-55-C, 2011-63-C, 2011-66-C and 2011-67-C

IN RE:

Michelle Shearin,
Rahkeem M. Golden,
Shamika Robinson, and
Bernard Jones,
Complainants/Petitioners,

v.

Jacobs-Rabons Communi-
cations, LLC,
Defendant/Respondent.

**CERTIFICATE OF SERVICE
MOTION TO DISMISS**

This is to certify that I, Adelaide D. Kline, an attorney with the law firm of Dougall & Collins, have this day caused to be served upon the persons named below the Motion to Dismiss the four above-referenced Dockets by electronic transmittal on June 8, 2011, to:

Jocelyn D. Boyd, Esquire, Chief Clerk and Administrator (via e-mail)
Josh Minges, Esquire, PSC Hearing Examiner (via e-mail)
David Butler, Esquire, PSC Hearing Examiner (via e-mail)
Nanette Edwards, Esquire, Chief Counsel, ORS (via email)
Rahkeem M. Golden and Shamika Robinson (via email)
Michele Shearin and Bernard Jones (USPS)

s/ Adelaide D. Kline



Adelaide D. Kline

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BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA

DOCKET NOS. 2011-55-C, 2011-63-C, 2011-66-C and 2011-67-C

IN RE:

Michelle Shearin,
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cations, LLC,
Defendant/Respondent.

MOTION TO DISMISS

JACOBS-RABONS COMMUNICATIONS, LLC'S

MOTION TO DISMISS THE FOUR ABOVE-REFERENCED DOCKETS

INTRODUCTION

This matter comes before the Public Service Commission of South Carolina by way of the four above-referenced Docket Nos. 2011-55-C, 2011-63-C, 2011-66-C and 2011-67-C and incorporates by reference Docket Nos. 2011-55-C, 2011-63-C, 2011-66-C and 2011-67-C in their entirety. These four dockets were consolidated for hearing purposes and appointed Josh Minges as Hearing Examiner by the Public Service Commission of South Carolina in Order No. 2011-164 dated March 4, 2011.

Pursuant to S. C. Code Ann. Regs. 103-601 and applicable South Carolina law, Jacobs-Rabons Communications, LLC ("Jacobs-Rabons" or "the Company") hereby moves the Public Service Commission of South Carolina ("PSC" or "the Commission") to dismiss the four above-captioned matters in Docket Nos. 2011-55-C, 2011-63-C, 2011-66-C, and 2011-67-C based on the grounds that the Defendant/Respondent Jacobs-Rabons has complied with all of the directives that were issued by the PSC. The entity no longer exists. Time Warner Cable Information Services ("TWCIS") has taken over as the service provider for the two subdivisions for which Defendant/Respondent Jacobs-Rabons had temporarily provided telecommunications services. Jacobs-Rabons received Articles of Termination from the Secretary of State for the State of South Carolina on May 18, 2011. A copy of the Articles of Termination is attached as Exhibit 1. Because Jacobs-Rabons no longer exists, the technology fee that was the subject of the four above-referenced complaints is no longer being assessed to the homeowners of the two subject subdivisions. The entire issue is moot.

Jacobs-Rabons respectfully submits that the four above-referenced Complaints/Dockets should be dismissed as a matter of law as they failed to assert any claims within the jurisdiction of the Commission, they do not articulate any claims upon which relief can be granted to the Complainants by this Commission and because there is no active case in controversy as to technology fees. All of the issues involved in these complaints are now moot. As above stated, Jacobs-Rabons is dissolved and TWCIS is now providing telecommunications services to the residents of Rabon Farms and Jacobs Creek.

The PSC had issued a request pursuant to S. C. Code Ann. Section 58-3-200 (Supp. 2010) and 58-4-50(A)(2) (Supp. 2010) that the South Carolina Office of Regulatory Staff ("ORS") investigate and report its findings regarding Jacobs-Rabons' assessment of a technology fee by the respective homeowners associations of the two affected subdivisions to pay for the maintenance and upkeep of a telecommunications systems they inherited when provider YRT2 went out of business and left the residents without a provider of telecommunications services.

In its report of April 15, 2011, the ORS reported its findings to the PSC. On page 4 of the report in its **Recommendation** section, the ORS stated that "This Commission has no jurisdiction over the HOA unless the HOA is found to be operating as a telephone utility, and the facts of this case do not rise to the level of finding that the HOA in fact operated as a telephone utility. The HOA collected a fee which it paid to JR, but whether it was unlawful for the HOA to collect that fee under its covenants is not within the purview of the Commission. Therefore, ORS does not opine on whether the Fee is authorized under the Home Owners Covenants."

ORS' investigation confirms Jacobs-Rabons' position that the PSC has no jurisdiction over the technology fee that was being assessed by Jacobs-Rabons and because Jacobs-Rabons has now been dissolved, there is no longer a case in controversy; the issues articulated in the complaint dockets are moot and Jacobs-Rabons respectfully moves that the PSC dismiss these four dockets.

CONCLUSION

For the reasons set forth above, Jacobs-Rabons respectfully requests the Commission dismiss the four above-referenced Complaints in the consolidated four

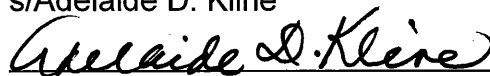
dockets as they fail to state claims subject to the Commission's jurisdiction, they fail to state claims upon which relief may be granted by this Commission and there is no case in controversy as to technology fees.

Dated this 8th day of June, 2011.

Respectfully submitted,

DOUGALL & COLLINS

s/Adelaide D. Kline

A handwritten signature in cursive script, reading "Adelaide D. Kline", is written over a horizontal line.

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